

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46077 of 2022 (O&M)

DECIDED ON:14th October, 2022

Gaurav Kumar

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. J.S. Hooda, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is second petition for regular bail in case of FIR No. 138 dated 8.3.2022, under Sections 18A, 18 (C), 27, 28, 22(c) (Added later on Section 20(c) and 29) of NDPS Act, 1985, registered at Police Station Kheri Pul District Faridabad. The earlier petition was withdrawn with liberty to file fresh one with better particulars.

As per the case set up on 8.3.2022 Ankit was apprehended at Faridabad and from his possession 46 injections of Buprenorphine IP Leegesic of 2 m.l. each were recovered. In his disclosure, he stated that the recovered contraband was purchased from Gaurav Kumar (petitioner). Petitioner was named in the second disclosure statement stating that the contraband was purchased from him.

Learned counsel for the petitioner submits that the petitioner is a licensed Chemist, no recovery was made from the petitioner, he is in custody since 10.3.2022 and he is not involved in any other case under the Act.

Learned State counsel opposes the prayer and on instructions from ASI Abdul Hussain, fairly submits that investigation is complete, challan stands presented but no FSL report has been received till date. He is not disputing the fact that petitioner has no criminal antecedents.

Without commenting upon the merits of the case, considering that the name of the petitioner surfaced in a disclosure statement, no recovery was made from him, though investigation is complete conclusion of trial is likely to take take, petitioner has no criminal antecedents, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

14th October, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>